

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, MARCH 12, 2014, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:03 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Dave Roberts; also David C. Hall, Assistant Clerk of the Board.

Absent: Supervisors Greg Cox and Ron Roberts

Approval of Statement of Proceedings/Minutes for the meeting of February 26, 2014.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meeting of February 26, 2014.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Agenda # Subject

1. CONTINUED NOTICED PUBLIC HEARING:
HIDDEN VALLEY ESTATES OPEN SPACE EASEMENT VACATION; JAMUL-DULZURA SUBREGIONAL PLANNING AREA (2/5/2014 – SET HEARING; 2/26/2014 – HOLD HEARING)
2. 2013 GENERAL PLAN ANNUAL PROGRESS REPORT
3. PROPERTY TAX EXCHANGE FOR JURISDICTIONAL CHANGES AND REORGANIZATION FOR FIRE PROTECTION SERVICES – ROBERT IRONSIDE REORGANIZATION

4. ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF THE DON DUSSAULT PARK IMPROVEMENTS PROJECT
[FUNDING SOURCE(S): COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)]
5. SET HEARING FOR 4/16/2014:
VOLCAN MOUNTAIN – ACQUISITION OF 114.03 ACRES OF LAND FOR OPEN SPACE (FRANCES S. LICHTY ESTATE) (3/12/2014 – SET HEARING; 4/16/2014 – HOLD HEARING)
[FUNDING SOURCE(S): GRANT FROM THE STATE OF CALIFORNIA HABITAT CONSERVATION FUND AND MATCH FUNDS FROM THE MULTIPLE SPECIES CONSERVATION ACQUISITIONS FUND]
6. ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF BRABHAM STREET AND VIA RANCHO SAN DIEGO TRAFFIC SIGNAL
[FUNDING SOURCE(S): HIGHWAY USER TAX ACCOUNT]
7. SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS (2/26/2014 – FIRST READING: 3/12/2014 SECOND READING)
8. PUBLIC COMMUNICATIONS

1. **SUBJECT: CONTINUED NOTICED PUBLIC HEARING:
HIDDEN VALLEY ESTATES OPEN SPACE EASEMENT
VACATION; JAMUL-DULZURA SUBREGIONAL
PLANNING AREA (2/5/2014 – SET HEARING; 2/26/2014 –
HOLD HEARING) (DISTRICT: 2)**

OVERVIEW:

On February 26, 2014 (2) the Board of Supervisors continued the item to March 12, 2014 at 9:00 a.m.

Application date: November 15, 2013

This is a request for the Board of Supervisors to consider the vacation of two biological open space easements pursuant to Board Policy I-103 Open Space Easement Vacations and the Streets and Highways Code. The two biological open space easements requested to be vacated by the applicant were recorded in association with the Hidden Valley Estates Tentative Map (TM 4761) which was approved in 1992. A Final Map associated with this project was never recorded, and the Tentative Map has since expired. Therefore, the easements are no longer required to mitigate impacts related to the Tentative Map under the California Environmental Quality Act (CEQA). In 2012, the U.S. Fish and Wildlife Service purchased the land for inclusion into the San Diego National Wildlife Refuge. As such, the proposed use of the land is consistent with conservation purposes. However, due to federal land acquisition regulations, the U.S. Fish and Wildlife Service must remove encumbrances, such as open space easements, that could limit the federal government's future use of the acquired land. The case number for this project is: PDS2013-VAC-13-004.

The easements to be vacated total approximately 960 acres in size and are located south of SR-94 and east of Millar Ranch Road, within the Jamul-Dulzura Subregional Plan area (Thomas Bros. Map Page 1292, B/2).

Today's request requires two steps: On February 5, 2014, it is requested that the Board set a date for a public hearing on February 26, 2014 and provide public notice of that hearing. If the Board takes the actions recommended for February 5, 2014, then on February 26, 2014, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record the resolution of vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

1. Adopt the environmental findings included in Attachment D.
2. Adopt the resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-004 (Attachment C).
3. Direct the Clerk of the Board to record this resolution pursuant to the Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-033, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-004 (Attachment C).

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

**2. SUBJECT: 2013 GENERAL PLAN ANNUAL PROGRESS REPORT
(DISTRICTS: ALL)**

OVERVIEW:

In accordance with State law, all counties must submit an annual progress report (APR) to the Board of Supervisors on the status of the General Plan implementation by April 1 of each year. Upon receipt by the Board of Supervisors, copies of the APR must also be provided to the State Office of Planning & Research (OPR) and State Housing and Community Development Department (HCD). Submission of the APR to HCD fulfills statutory requirements to report certain information pertaining to the Housing Element, including the County's progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the development of housing.

The purpose of the APR is to inform the Board of Supervisors and residents of San Diego County about the status of implementing the County General Plan, housing issues, and major planning projects for the unincorporated county. It summarizes the planning activities for the unincorporated portions of San Diego County calendar year from January 1 to December 31, 2013, and identifies ongoing and completed relevant planning activities, programs, and permits. The APR is provided as Attachment A.

FISCAL IMPACT:

There is no fiscal impact associated with the General Plan Annual Progress Report. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

None.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Receive the 2013 General Plan Annual Progress Report, which includes the 2013 Housing Element Annual Report (Attachment A).

ACTION:

Received the 2013 General Plan Annual Progress Report, which included the 2013 Housing Element Annual Report, on Consent.

3. SUBJECT: PROPERTY TAX EXCHANGE FOR JURISDICTIONAL CHANGES AND REORGANIZATION FOR FIRE PROTECTION SERVICES – ROBERT IRONSIDE REORGANIZATION (DISTRICT: 2)

OVERVIEW:

Section 99 of the Revenue and Taxation Code requires that the Board of Supervisors adopt a property tax exchange resolution before the Local Agency Formation Commission (LAFCO) can process a proposal for jurisdictional changes.

The proposed Robert Ironside reorganization would detach 60.14 acres from the San Diego Rural Fire Protection District and annex the property to the Alpine Fire Protection District. The subject property is entitled with an approved Tentative Map, known as Rancho Nuevo, for a 13-lot single family residential subdivision. As a condition of approval, the project is required to annex into the Alpine Fire Protection District to decrease priority emergency response time from the current 25 minutes to 5 minutes. On January 14, 2014, County staff completed negotiations with the Alpine Fire Protection District to determine an equitable exchange of property tax revenues associated with this reorganization. The project is located south of Interstate 8 and Alpine Boulevard, east of Tavern Road, at the terminus of Via Tesoro in the unincorporated community of Alpine (2007 Thomas Guide Page 1254/E3).

Today's request is for the Board to adopt a Resolution to exchange property tax revenue from San Diego Rural Fire Protection District to the Alpine Fire Protection District.

FISCAL IMPACT:

If approved, this proposal will result in a \$108.21 per year shift in property tax revenue from San Diego Rural Fire Protection District to the Alpine Fire Protection District. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Adopt the Resolution entitled: RESOLUTION REGARDING NEGOTIATED PROPERTY TAX EXCHANGE RELATIVE TO JURISDICTIONAL CHANGES.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent, adopting Resolution No. 14-034, entitled: RESOLUTION REGARDING NEGOTIATED PROPERTY TAX EXCHANGE RELATIVE TO JURISDICTIONAL CHANGES.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

4. SUBJECT: ADVERTISE AND AWARD A CONTRACT FOR CONSTRUCTION OF THE DON DUSSAULT PARK IMPROVEMENTS PROJECT (DISTRICT: 5)

OVERVIEW:

Don Dussault Park is located in the unincorporated community of Fallbrook (2012 Thomas Guide page 1027, E3). The park contains several aging amenities that include a children's playground, drinking fountain, benches, and concrete paths.

The Don Dussault Park Improvements project will remove aging amenities including the children's play area, concrete walks and drinking fountain. The project will construct new Americans with Disabilities Act (ADA) compliant amenities that include a parking stall, concrete walks, children's play area, drinking fountain, seating/retaining walls, and a picnic plaza with picnic tables, barbeque and landscaping. The proposed amenities will offer improved recreational opportunities for community members of all ages.

The requested action will authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract estimated at \$197,000 including contingency for Capital Project 1015519, Don Dussault Park Improvements. Additional project funds of \$53,000 will be used for related project costs including construction inspection, construction management and project administration for a total project cost of \$250,000. If approved, project construction is scheduled to begin in late spring 2014 and be completed in fall 2014.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan for the Capital Outlay Fund. If approved, this request will result in current year cost and revenue of \$250,000 for Capital Project 1015519, Don Dussault Park Improvements. The funding source is Community Development Block Grant (CDBG). Construction costs for the proposed project are estimated at \$197,000 including contingency. Remaining funds of \$53,000 will be used for construction inspection, construction management and project administration.

Upon project completion, annual operations and maintenance of improvements will be provided by existing Department of Parks and Recreation staff. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the Don Dussault Park Improvements project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302.
2. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract and take any other action authorized by Section 401 et seq. of the Administrative Code with respect to contracting for the construction of the Don Dussault Park Improvements project.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

5. **SUBJECT: SET HEARING FOR 4/16/2014:
VOLCAN MOUNTAIN – ACQUISITION OF 114.03 ACRES
OF LAND FOR OPEN SPACE (FRANCES S. LICHTY
ESTATE) (3/12/2014 – SET HEARING; 4/16/2014 – HOLD
HEARING) (DISTRICT: 2)**

OVERVIEW:

On February 4, 1992 (17), the Board of Supervisors adopted a resolution for the acquisition of land at Volcan Mountain. To date, County, State, Federal, Tribal and other entities have acquired over 34,000 acres in the Volcan Mountain Focused Planning Area, including more than 6,700 acres owned by the County.

The County has identified 114.03 acres available for acquisition north of Banner Road and east of Farmer Road adjacent to the County's Volcan Mountain Preserve and within the Volcan Mountain Focused Planning Area (2013 Thomas Guide page 1136, D-4) and the Multiple Species Conservation Program future East County Plan. The acquisition of this property will help preserve valuable forest, coastal sage scrub, chaparral and riparian habitat. The appraised value of the property is \$194,000.

In 2012, the County was awarded a State of California Habitat Conservation Fund grant to acquire nearby property. Negotiations with the property owner were not successful, however, the State has tentatively approved the purchase of the 114.03

acres as replacement property. The grant will cover 50 percent of the costs, \$97,000 for the land and \$18,000 for transaction costs.

Today's request regarding Assessor's Parcel Numbers 250-030-08 and -09 requires two steps. On March 12, 2014, it is requested that the Board set a hearing for April 16, 2014, and provide public notice of the hearing. If the Board takes the actions recommended on March 12, 2014, then on April 16, 2014, after making the necessary findings, the Board is requested to 1) approve the purchase of 114.03 acres from the Trustee of the Frances S. Lichty estate at the appraised value of \$194,000; 2) adopt a Resolution authorizing the Department of Parks and Recreation to apply for, accept, and if awarded, establish \$115,000 in Habitat Conservation Funds (HCF) for the acquisition of 114.03 acres of land for open space; 3) authorize the Director, Department of Parks and Recreation, to conduct all negotiations, execute and submit all documents necessary to accept grant funds; and 4) authorize the Director, Department of General Services to take necessary steps to complete the purchase the property.

FISCAL IMPACT:

Funds for this request are partially budgeted in the Fiscal Year 2014-15 Operational Plan for Multiple Species Conservation Program (MSCP) Acquisitions Fund. If approved, this request will result in a current year cost of \$320,000 itemized as follows: \$194,000 for property acquisition; \$34,500 for staff and due diligence expenses to complete the transaction; \$1,500 for closing and title costs; and \$90,000 in one-time land protection costs for vegetation management, boundary survey, and access and erosion control measures. The funding sources are a grant from the State of California Habitat Conservation Fund (\$115,000) and match funds from the Multiple Species Conservation Acquisitions Fund (\$205,000).

Total annual costs for required land monitoring and management of the 114.03 acres are estimated at \$3,000. In addition, there will be an annual cost of \$76 for fixed charge assessments including Julian fire station, vector control and water standby charges. These costs will be absorbed within the Department of Parks and Recreation existing budget. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

On March 12, 2014:

1. Set a hearing for April 16, 2014, at which time the Board may consider approving the purchase of 114.03 acres of land, consisting of Assessor Parcel Numbers (APN) 250-030-08 and -09 for the appraised value of \$194,000.
2. Direct the Clerk of the Board of Supervisors to provide notice of said hearing via publication and posting as required by law.

If, on March 12, 2014, the Board takes the actions recommended in Items 1-2 above then, on April 16, 2014:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15325.
2. Adopt the Resolution entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE VOLCAN MOUNTAIN PRESERVE LAND ACQUISITION PROJECT.
3. Establish appropriations of \$115,000 in the Multiple Species Conservation Program Acquisitions Fund, for the acquisition of 114.03 acres of land for Open Space, contingent upon a grant award from the Habitat Conservation Fund. **(4 VOTES)**
4. Authorize the Director, Department of Parks and Recreation, or designee, as agent of the County, to conduct all negotiations and submit documents including but not limited to, applications, contracts, payment requests, and to execute the grant agreements, including any extensions or amendments thereof that do not materially impact or alter the grant program or funding levels.
5. Approve and authorize the Director, Department of General Services, to execute two originals of the Purchase and Sale Agreement and Joint Escrow Instructions for the purchase of APNs 250-030-08 and -09 from the Trustee of the Frances S. Lichty estate for the appraised value of \$194,000.
6. Authorize the Director, Department of General Services, or designee, to execute all escrow and related documents necessary to complete the purchase of the property.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent, setting a Hearing for April 16, 2014.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

6. SUBJECT: ADVERTISE AND AWARD CONTRACT FOR CONSTRUCTION OF BRABHAM STREET AND VIA RANCHO SAN DIEGO TRAFFIC SIGNAL (DISTRICT: 2)

OVERVIEW:

The Brabham Street and Via Rancho San Diego Traffic Signal project is located in the unincorporated community of Valle De Oro (57th Edition Thomas Guide page 1272, A4). The proposed project consists of installing a new traffic signal and upgrading existing pedestrian ramps. The proposed improvements will benefit the community by enhancing safety for motorists, bicyclists and pedestrians.

This is a request to approve advertisement and subsequent award to the lowest responsible bidder, of a contract to construct the Brabham Street and Via Rancho San Diego Traffic Signal project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Project construction is scheduled to begin summer 2014 and be completed by fall 2014. If approved, construction project costs will be \$531,904, including contingencies.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan in Department of Public Works Detailed Work Program. If approved, construction project costs will be \$531,904, including contingencies. The funding source is Highway User Tax Account (\$531,904). There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

County construction contracts are competitively bid and help stimulate the local economy.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the state CEQA Guidelines.
2. Authorize the Director, Department of Purchasing and Contracting, to take any action necessary to advertise and award a contract and to take other action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for subject public works project.
3. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

ACTION:

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Horn, the Board took action as recommended, on Consent.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

7. **SUBJECT: SECOND CONSIDERATION AND ADOPTION OF ORDINANCE: ADOPT AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS (2/26/2014 – FIRST READING: 3/12/2014 SECOND READING) (DISTRICTS: 2 & 5)**

OVERVIEW:

On February 26, 2014 (5), the Board introduced the Ordinance for further consideration and adoption on March 12, 2014.

The County of San Diego operates and maintains eight airports in the region. The Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (Policy) was first established by the San Diego County Board of Supervisors on May 27, 1975 (56). The Policy includes provisions for the use of County of San Diego airports and establishes rates and charges applicable to activities conducted at airport facilities. The Policy has been amended over the years to add components to address changes such as vehicle parking and customs service at McClellan-Palomar Airport when the parking lots and a terminal building were completed a few years ago, but the Policy has not been subject to a comprehensive review since it was first adopted.

This is a request to amend the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. The proposed changes would clarify the document but not change any existing fees to airport users. Changes are aimed at better explaining and defining County practices throughout the document. The Policy would also delegate authority to the Director of Airports to award short term, low value leases and licenses to use airport property.

This action requires two steps. On February 26, 2014, the Board is requested to approve introduction of an Ordinance to amend the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. If the Board takes action on February 26, 2014, then on March 12, 2014, the Board would be requested to consider and adopt the proposed Ordinance amending the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports.

FISCAL IMPACT:

There is no fiscal impact associated with amending the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports. The proposed revisions to the Policy do not establish any new or increased fees to airport users. Changes are primarily aimed at simplifying and better explaining County practices throughout the document by using defined terms and other similar changes designed to help create consistency in language. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15273 of the CEQA Guidelines and adopt the findings made pursuant to CEQA Guidelines Sections 15273.
2. Adopt the Ordinance entitled:

AN ORDINANCE TO AMEND THE SCHEDULE OF RATES
AND CHARGES AND USE CONTROL POLICY FOR
COUNTY OF SAN DIEGO AIRPORTS.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor D. Roberts, the Board took action as recommended, adopting Ordinance No. 10331 (N.S.), entitled: AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS.

AYES: Jacob, D. Roberts, Horn

ABSENT: Cox, R. Roberts

8. SUBJECT: PUBLIC COMMUNICATIONS (DISTRICTS: ALL)

OVERVIEW:

Robert Germann spoke to the Board regarding the passage of a vetting ordinance.

ACTION:

Heard, referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 9:26 a.m.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller

Discussion: Panfil

NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.